CLOSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America

v.

Guillermo Esqueda-Morales

Citizen of Mexico

USM#: 62336-208 DOB: 1983

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 08-16016-001M-SD

Lorna Spencer (AFPD)
Attorney for Defendant

ICE#: A97 337 377

THE DEFENDANT ENTERED A PLEA OF guilty on 8/13/2008 to Count THREE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count THREE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED (100) DAYS on Count THREE, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: $Remitted **FINE:** $ **RESTITUTION:** $

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than $25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of $Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count THREE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Wednesday, August 13, 2008**

____ Date 8/13/2008
JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows:____

Defendant delivered on ____________ to _________________________ at ____________________________, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

____ By:____
United States Marshal Deputy Marshal

08-16016-001M-SD -

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

MAGISTRATE JUDGE'S MINUTES

DATE: 8/13/2008 CASE NUMBER: 08-16016-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Guillermo Esqueda-Morales

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney ______________________

INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Lorna Spencer (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA__ ☐ Complaint Filed ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ No Financial Afdvt taken ☐ Financial Afdvt sealed
☐ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $__________
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed __________ ☐ Complaint filed __________
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts THREE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) THREE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because __________
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before __________
☒ To be dismissed upon entry of the judgment, Ct(s) ONE / TWO
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of ONE HUNDRED (100) DAYS ☐ Probation/Supervised
☒ Special Assessment $ REMITTED ☐ Fine $______ ☐ Restitution $________

Other: __________

RECORDED: CS
BY: Angela J. Tuohy, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, vs. GUILLERMO ESQUEDA-MORALES Defendant.	CASE NUMBER **WAIVER OF REMOVAL HEARING**

I waive my right to have a Removal Hearing and agree that my case may be adjudicated in the Southern District of California.

DATED this 13th day of August, 2008.

x Guillermo Esqueda M
Defendant

Attorney for the Defendant

UNITED STATES DISTRICT COURT **MAGISTRATE JUDGE'S MINUTES**
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

DATE: 8/11/2008 CASE NUMBER: 08-16016M-SD

USA vs. Guillermo Esqueda-Morales

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney ______ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Lorna Spencer (AFPD)
MATERIAL WITNESS(es): ______
MATERIAL WITNESS(es) state true name(s) to be: ______
Attorney for Material Witness(es): _

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 8/8/08
☐ Financial Afdvt taken
☐ Rule 5(c)(3)

☒ Initial Appearance
☒ Defendant Sworn
☐ Defendant states true name to be ___. Further proceedings ORDERED in Defendant's true name.

☒ Appointment of counsel hearing held
☐ Financial Afdvt sealed

DETENTION HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset Set for: Before: ☒ Defendant ordered temporarily detained in the custody of the United States Marshal ☐ Defendant ordered released ______ ☐ Defendant continued detained pending trial ☐ Flight risk ☐ Danger	**IDENTITY HEARING:** ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Warrant of removal issued.
PRELIMINARY HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Probable cause found ☐ Dismissed ☐ Held to answer before District Court	**STATUS HEARING:** re: Plea / Sentence ☐ Held ☐ Con't ☐ Reset Set for: 8/13/08 at 1:00 pm Before: Magistrate Judge Irwin

Other: Defense moves for a continuance. Border Patrol Prosecutions for the Government have no objection. Court grants motion and sets a status hearing.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

8/8

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Guillermo ESQUEDA-Morales
Citizen of Mexico
YOB: 1983
097337377
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-16016M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about November 23, 2007, Defendant Guillermo ESQUEDA-Morales was arrested and removed from the United States to Mexico through the port of San Luis, Arizona, in pursuance of law, and thereafter on or about August 8, 2008, Defendant was found in the United States near Yuma, Arizona within the District of Arizona, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about August 4, 2008, within the Southern District of California, Defendant Guillermo ESQUEDA-Morales, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on June 30, 2006 (Felony).

COUNT III

That on or about August 4, 2008, within the Southern District of California, Defendant Guillermo ESQUEDA-Morales, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant
Joseluis Reynoso
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

August 11, 2008 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Guillermo ESQUEDA-Morales

Dependents: 3 USC

IMMIGRATION HISTORY: The Defendant was last removed through San Luis, Arizona on November 23, 2007. The Defendant has been arrested 27 times by the U.S. Border Patrol.

CRIMINAL HISTORY:

DATE/LOCATION		OFFENSE	DISPOSITION
04/16/04	Santa Barbara, CA	DUI/Alcohol/Drugs	210 DS JL-180 DS JL, 36 Months Probation
06/17/05	Santa Barbara, CA	DUI/Alcohol/Drugs/with Priors	None Listed
05/27/05	Yuma, AZ	Violation Promise to Appear	Guilty- Fine $190, Other Fine $ 54

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Yuma, Arizona.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on August 18, 2004.
The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on October 21, 2004.
The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on March 30, 2005.
The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on June 5, 2006.

The Defendant last entered the United States illegally without inspection near Andrade, California on August 4, 2008.

Charges:	8 USC§1326	(Felony)
	8 USC§1325	(Felony)
	8 USC§1325	(Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

August 11, 2008
Date

Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Joseluis Reynoso, declare under penalty of perjury, the following is true and correct:

STATEMENT OF FACTUAL BASIS

Defendant: Guillermo ESQUEDA-Morales

Dependents: 3 USC

IMMIGRATION HISTORY: The Defendant was last removed through San Luis, Arizona on November 23, 2007. The Defendant has been arrested 27 times by the U.S. Border Patrol.

CRIMINAL HISTORY:

DATE/LOCATION		OFFENSE	DISPOSITION
04/16/04	Santa Barbara, CA	DUI/Alcohol/Drugs	210 DS JL-180 DS JL, 36 Months Probation
06/17/05	Santa Barbara, CA	DUI/Alcohol/Drugs/with Priors	None Listed
05/27/05	Yuma, AZ	Violation Promise to Appear	Guilty- Fine $190, Other Fine $ 54

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Yuma, Arizona.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on August 18, 2004.
The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on October 21, 2004.
The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on March 30, 2005.
The Defendant was arrested and convicted of 8 USC 1325 Illegal Entry on June 5, 2006.

The Defendant last entered the United States illegally without inspection near Andrade, California on August 4, 2008.

Executed on: August 9, 2008 *Time: 9:13 AM*

Signed: ____________ *Senior Patrol Agent*

I

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one *page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on* August 4, 2008 *in violation of Title 8, United States Code, Section(s) 1326 and 1325.*

Finding made on: Date August 9, 2008 *Time* 12:40 PM

*Signed:*______________________________________ *United States Magistrate Judge*